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Scott. II-27—40,000—27-10-53.

H.E.L.A. **(195 .) Department.**

MISCELLANEOUS **SERIES.**

G.O No. 95, Edn

Dated 1st February 1954.

FOR MYSORE STATE

[Despatch Abstract.]

MADRAS EDUCATION SUBORDINATE SERVICE - Kumari B.May, Officiating Temporary Asst.Lecturer in English, Govt.Training College, Mangalore - Qualification in Malayalam possessed by her - Equivalance to a pass in the Spl.Language Test for officers of the Education Department - Lower standard - Recognised in relaxation of rules.

EDUCATION DEPARTMENT

From
The Director of Public Instruction, Madras.

To
The Secretary to Government, Education Department, Madras.

Roc. No. 2051 CI/51 dated 3-6-1953.

Sub: MADRAS EDUCATIONAL SUBORDINATE SERVICE - Kumari B.Hay, Officiating Temporary Assistant Lecturer in English, Government Training College, Mangalore - Passing of the Language Test -

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Kumari B. Hay, B.A.(Hons) (English Language and Literature) III class, B.T., was first appointed as Tutor in English on 27-6-1947 in the Government Brennen College, Tellicherry, by the then Principal of the college, when he was the app-ointing authority. She belongs to the Anglo-Indian Community. With reference to the Special Rules for the Madras Educational Subordinate Service, a European or an Anglo-Indian appointed as Tutor or Demonstrator should, within a period of two years from the date of such appointment, pass the Special Language Test for Officers of the Education Department, Lower Standard, in one of the languages specified below:-

Tamil, Telugu, Kannada, Malayalam, Urdu or Oriya.

Kumari B. Hay, has not passed the test so far. The penalty prescribed for failure to pass the test within the time allowed is stoppage of increments until the test is passed. Kumari Hay is unable to say which is her Mother-Tongue as evidenced by her statement, a copy of which is enclosed. She has passed the High School Examination (European School Examination) with Malayalam as the language. The standard of the language in this examination is equivalent to the standard of a Third Form in a recognised institution. The object of the rule prescribing the language test of a Lower Standard appears to be that the person concerned should possess some ability in the language concerned.

The language test of the Lower Standard appears to be of a standard x less than IIIrd Form as evidenced by the Syllabus.

(1) Ability to translate from the language into English passages selected from the readers in use in the IIIrd and IV th standards of elementary schools.

(2) To answer questions of moderate difficulty on idiom and grammar.

(3) Ability to translate from English into the language concerned a moderately easy passage from the Co/hation English Readers - Books II and III -

Her qualification in Malayalam which she had passed as one of the subjects of the European High School Examination may be considered equivalent to the Special Language Test of the Lower Standard. But there is no provision in the rules to permit such equivalence except under the orders of Government.

In the circumstances stated, I request that Govt. may be pleased to treat her qualification in Malayalam in the European High School Examination as equivalent to the Special Language Test of the Lower Standard and, to declare that she is deemed to have passed the said test in a language.

p.t.o.

EDUCATION DEPARTMENT

From
The Director of Public Instruction, Madras.

To
The Secretary to Government, Education Department, Madras.

Proc. No.4951 CI/51 dated 8-9-1953.

Sub: MADRAS SUBORDINATE GOVERNMENT SERVICE - Annual Confidential Report of Shri ... officiating Temporary Assistant Lecturer in English, Government Training College, Mangalore - Passing of Language Test -

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Sir,

Kumari B. Hay, B.A.(Hons) (English Language and Literature), III class, B.T., was first appointed as Tutor in Kannada on 27-6-1947 in the Government Brennen College, Tellicherry by the then Principal of the college, when he was the appointing authority. She belongs to the Anglo-Indian Community. With reference to the Special Rules for the Madras Educational Subordinate Service, a European or an Anglo-Indian appointed as Tutor or Demonstrator should within a period of two years from the date of such appointment, pass the Special Language Test for Officers of the Education Department, lower standard, in one of the languages specified below:-

Tamil, Telugu, Kannada, Malayalam, Urdu or Oriya.

Kumari B. Hay, has not passed the test so far. The penalty prescribed for failure to pass the test within the time allowed is stoppage of increments until the test is passed. Kumari Hay is unable to say which is her Mother-Tongue as evidenced by her statement, a copy of which is enclosed. She has passed the High School Examination (European School Examination) with Malayalam as the language. The standard of the language in this examination is equivalent to the standard of a Third Form in a recognised institution. The object of the rule prescribing one language test of a lower standard appears to be that the person concerned should possess some ability in the language concerned.

The language test of the lower standard appears to be of a standard a less than IIIrd Form as evidenced by the syllabus.

(1) Ability to translate from the language into English passages selected from the readers in use in the IIIrd and IV in standards of elementary schools.

(2) To answer questions of moderate difficulty on idiom and Grammar.

(3) Ability to translate from English into the language concerned a moderately easy passage from the Examination Manual readers - Books I and II -

for qualification in Malayalam etc. who had passed as one of the subjects of the European High School Examination may be considered equivalent to the Special Language Test of the Lower Standard. But there is no provision in the rules to permit such equivalence except under the orders of Government.

In the circumstances stated, I request that Govt. may be pleased to the Tamil Examination in the European High School Examination to be declared to have passed the said test in a language.

Yours etc.

The European High School Examination Certificate is submitted herewith for perusal and return.

Yours faithfully,

FOR DIRECTOR OF PUBLIC INSTRUCTION.

A.K.R.3/6.

Copy of letter dated 23-3-1953 of Kumari B. Hay, Assistant Lecturer in Englishto the Principal, Government Training College, Mangalore.

x x

With reference to the proceedings of the Director of Public Instruction, Madras Roc. No.2051 CI/51, dated 19-3-53 I state herewith, that I am not certain as to which language - English or Malayalam - is my mother tongue. My ~~xpeak~~ father speaks only English; my mother knows Malayalam and English, but speaks only English. I also speak English.

Yours faithfully,

sd. B. Hay.

/true, copy/

Rc. No.5/53. Dated 23-3-53.

Copy submitted to the Director of Public Instruction, Madras with reference to his Proceedings Roc. No.2051 CI/51, dated 19-3-1953.

sd. x x x x x x
Principal, Govt. Training College, Mangalore.

/true copy/

FOR DIRECTOR OF PUBLIC INSTRUCTION.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

\true copy\

Principal, Govt. Training
College, Mangalore.
sd. x x x x x x

Copy submitted to the Director of Public Instruction,
Madras with reference to his Proceedings No. No.2051 CI\51,
dated 19-3-1953.

No. 45\53. Dated 23-3-53.

\true copy\

sd. B. Nay.

Yours faithfully,

My mother tongue is Malayalam and English, but speaks only English. I also speak English. My ~~mxxx~~ father speaks only English; my mother knows Malayalam language - English or Malayalam - is my mother tongue.

With reference to the proceedings of the Director of Public Instruction, Madras Doc. No.2051 CI\51, dated 19-3-53 I state herewith, that I am not certain as to which of the two languages I should take for the Degree Course.

x x

Assistant Lecturer in English to the Principal, Government Training College, Mangalore.

Copy of letter dated 23-3-1953 of Kumari B. Nay.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

Yours faithfully,

Submitted herewith for perusal and return.

The European High School Examination Certificate is

EDUCATION DEPARTMENT

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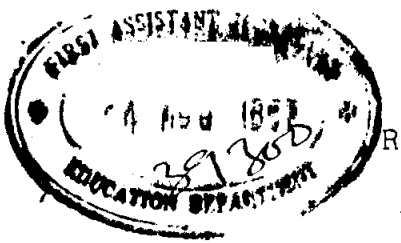
From
The Director of Public
Instruction, Madras.

To
The Secretary to Government,
Education Department, Madras.

Roc. No. 2051 CI/51 dated 3-8-53.

Sir,

Sub: MADRAS EDUCATIONAL SUBORDINATE SERVICE - Kumari B. Hay, Officiating Temporary Asst. Lecturer in English, Govt. Training College, Mangalore - Passing of the Language Test -



Ref: This office letter Rc. No. 2051 CI/51 dated 3-8-53.

In continuation of this office reference cited, I may state that Kumari B. Hay, has since reported that 'Malayalam' is her mother tongue and that she has not only passed the High School Examination in Malayalam, but is also able to read, write and speak it fluently.

Yours faithfully,

FOR DIRECTOR OF PUBLIC INSTRUCTION.

A.K.R.3/8
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[Cno 27933 A/53]

Edn (A) Dept

Letter/Ref no 27933 A/53-5 Edn, dated 8/9/53

To

The Secretary,
Public Service Commission,
Madras

(with enclo. copy of HI 5 CF of the certificate in original)

Sir,

Sub: H. E-85 – Kumari B. Hay, Offg. Temp. Asst Lecturer in English, Govt. Trg. College, Mangalore - Passing of the Language Test

I am to forward herewith ~~a~~ copies of the letters (1) 3-8-53 from the DPI, Madras
1 CF no 2051 C/51, dated 3.6.1953 and to request you to be good enough
1 CF to obtain and communicate to the Govt. the views of the Commission
Urd on the proposal of the Dir. to treat the qualification possessed by Kumari Malayalam
B. Hay as equivalent to a pass in the Dpl. Language Test for ~~the~~ ostensible of the Elem. Dept, Lower Standard.

Dpl
31/8/53

Dy to DPI

31.8.53

61/9/53

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TEL: "PUBSARCOM"

From
Sri C. Krishnaswami Chetty,
Secretary,
Public Service Commission,
Madras..6

To
The Director of Public Instruction,
Madras..6

21 SEP 1953
4768
EDUCATION DEPARTMENT

No. 4857- P4/53-1, dated 18-9-1953.

Edn (A) Dept

Sir,

Examinations - Departmental Tests - Qualification in Malayalam possessed by Kumari B. Hay whether equivalent to a pass in the Special Language Test for Officers of the Education Department - Lower standard --Your letter Roc. 2051-C1/51, dated 3-6-1953 addressed to the Secretary to Government, Education department.

--

I am to say that the Government have called for the Commission's views on the question raised in your letter cited viz. whether the qualification in Malayalam (Viz. a pass in the European School Examination with Malayalam as the language in 1940) possessed by Kumari B. Hay can be considered as equivalent to a pass in the Special Language Test for Officers of the Education Department Lower Standard in Malayalam. I am to request that a copy of the syllabus in the Malayalam language prescribed

P.T.O.

10

for the European High School Examination may kindly be sent urgently in order to enable the Commission to examine the question and offer its views.

Yours faithfully,

for Secretary.

Encl: Nil

Copy to the Secretary to the Government of Madras, Education Department, Madras.

pva/18-9

11

[Gro. 27933 A/53]

Edn (A)Dg

Letter / Reference 27933 A/53-b Edn, dated 28/10/53

To

The Secretary,
Public Service Commission,
Madras

Sub: M. Edn - Kumari B. Hary, Offg Temp Asst Lecturer in English, Govt Trg college, Mangalore - Passing of the Language Test.

Ref: Govt's letter no 27933 A/53-5 Edn, dated 8.9.1953.
Your letter no 4857 F4/53-1 dated 18.9.1953

I am to ~~forward~~ invite attention to the reference cited and to enquire whether the Commission's reply may be expected

28/10/53

27/10

Yf

DEPUTY SECRETARY
12 NOV 1953
HEALTH DEPARTMENT

TEL "UPSERCOM".

From

Sri T.D. Aiyasawmy,
Asst. Secretary, Public
Service Commn., Madras-2.

To

The Secretary to the Government
of Madras,
Department of Health, Education
and Local Administration,
Madras-9.

No.4857-F.4/53-2, dated 4-11-1953.

Sir,

EXAMINATIONS - Departmental Tests - Qualification in Malayalam possessed by Kumari B. May - Whether equivalent to a pass in the Special Language Test for Officers of the Education Department - Lower Standard - Your letter No.27933-A/53-6, Education, dated 28-10-1953.

I am to say that a reference has been made to the Director of Public Instruction, Madras in the matter and that the Commission's reply will be sent as soon as possible after a reply is received.

Yours faithfully,

Asst. Secretary.

Encl.-nil.
ckm.7-11-1953.

C.F. 52—14,67 656—21-3-52.

Department Received Registered

From (Name) Sri C.Krishnaswami Chetty,
Designation Secretary,
Public Service Commission,
Station Madras-2.

To

The Secretary to the Government of Madras,
Department of Health, Education and Local Administration, Madras-9.

Enclosures:

No. 4857-F4/53-4, dated 11--12---- 1953.

Sir,

Examinations - Departmental Tests - Qualification in Malayalam possessed by Kumari B. Hey - Whether equivalent to a pass in the Special Language Test for Officers of the Education Department - Lower Standard - Your letter Ref.No.27933 A/53-5, Edn., dated 8-9-1953.

I am to say that in the Commission's opinion a pass in the High School Examination (European School Examination) with Malayalam as a language may be considered to be equivalent to a pass in the Special Language Test for Officers of the Education Department - Lower Standard in Malayalam, conducted by the Commission.

2. The certificate received with your letter cited is returned.

Yours faithfully,

Secretary.

Encl:Certificate in original.

Gbs.11.12.53.

HELA(E1)

Sub:- M.E.S.S - Kumari B. Hay, Offg Temporary Asst Lecturer in English, Govt Training College, Mangalore - qualification in Malayalam possessed by her - Equivalence to a pass in the Spl. Language Test for officers of the Edn. Dept - Lower standard. Rules Recognised in relaxation of rules.

Read: From the DPI no. Roc. 2051.C1/53 dt 3-6-53, d. 3.8.53.
From the Secy. MP&C no. 4857-F4/53-4 dt 11-12-53

Order No. 95 Edn dated: 1.2.54

MS.

Under the rule published with the Public (Services) Dept notification no. 16 dated the 26th January 1950, at page 272 of Part I of the Fort St George Gazette dated the 7th February 1950, the Governor of Madras hereby directs that Rule 14(b) of the Special Rules for the Madras Educational Subordinate Service be relaxed in favour of Kumari B. Hay, Offg Temporary Asst Lecturer in English, Govt Training College, Mangalore, with a view to enable her qualification in Malayalam possessed by her being recognised

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as equivalent to a pass in the special Language Test for officers of the Education Dept. - lower standard in Malayalam

AS
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8.1.54

6/2/54

To
The DPI. (with certificate returned)
The Sec. TPSC
Copy to the Pub(Gr) Dept.
S/C - 2

[Cno 27934/53]

EDUCATION DEPARTMENT (A).

Sub:- M.E.S.S.--Kumari B. Hay, Offg. Temporary Asst. Lecturer in English, Govt. Training College, Mangalore--Passing of the Language Test.

Ref:- From the D.P.I. No;2051-C1/51, dated 3-6-1953.

...

Kumari B. Hay was first appointed as Tutor in English on 27-6-'47 in the Govt. Brennen College, Tellicherry. As she belongs to the Anglo-Indian Community, she has to pass the Special Language Test for officers of the Edn. Dept., Lower Standard, in one of the following languages - Tamil, Telugu, Kannada, Malayalam, Urdu or Oriya, within a period of two years from the date of appt. The penalty prescribed for failure to pass the test within the time allowed is stoppage of increments until the test is passed. It is reported that Kumari Hay has not passed the test so far but passed the High School Examination (European School Examination) with Malayalam as the language. The standard of the language in the above exam. is equivalent to the standard of a Third Form in a recognised institution. The language test of the Lower Standard prescribed is reported to be of a standard less than Third Form. The D.P.I. has stated that the qualification of Kumari Hay may be considered as equivalent to the Special Language Test of the of the Lower Standard. As there is no provision in the rules to permit such equivalence, the Director has requested the Govt. to treat her qualification in Malayalam in the European High School Examination as equivalent to the Special Language Test of the Lower Standard and to declare that she is deemed to have passed the said test in a language. In these circumstance

(P.T.O.)

this Dept. may agree to the relaxation of rule 14(b) of the Special Rules for the M.E.S.S. in favour of Kumari B. Hay with a view to treat the qualification possessed by her as equivalent to the Special Language Test of the Lower Standard.

Pb 21-22 BR no 114

2. Public (Services) may see for remarks before circulation to M (Lee), M (Edn) and M (Finance).

Remarks

SHO 2/7/53 4-7-53

7/7/53

ASSISTANT SECRETARY TO GOVERNMENT 8 - JUL 1953 2969 CHIEF SECRETARIAT

Edn Memo 27933 A/53-1 7/7/53

PUBLIC (SERVICES) DEPARTMENT.

The Education Department's note from page 1 ante may be perused.

'K' above:- The D.P.I. has suggested that Kumari Hay's qualification viz., a pass in Malayalam in the European High School Examination (held in 1940) may be treated as equivalent to (a pass in) the Special Language Test of the Lower Standard prescribed in rule 14 (b) of the Special Rules for the M.E.S.S. The proposal involves consultation with the M.P.S.C. Education may address that body in the matter. They will no doubt let this department see the case (again) after the Commission's reply is received and considered by them. (The question of relaxation of the said rule does not arise now.)

& para 4 on p.1 c.f.

p. 21 of BR 114

under Conventions not pursue

R

With the above remarks, the file may be returned to Education.

Pub. Sec. 2969/53.

FIRST ASSISTANT SECRETARY 18 JUL 1953 EDUCATION DEPARTMENT 3601

17.7.53

Edn

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16.7.53

Edn. dept. (A)

It is for the reason of the Tutor belonging to the Anglo-Indian community that she is being reqd. to pass the special language Test for officers of the Edn. dept., Lower standard, or is expected to possess equivalent qualification. Members of the Govt communities appointed as Tutors need not pass the Test. Pub. (Ser.) may offer their remarks whether the proviso in the reqmt in rule 14 (a) of the Spl. Rules for the M.E.S.S. is in consonance with the Constitution of India. If the rule can be held to have lost its force, then there would be no need to consult the Commission

If.

45.7.03

Dy 27/7/03 Public (Ser)

Public (Services) Department.

(Previous note of this deptt. on p.2 ante)

The Education Department's further note above may be perused.

'M' above:- It seems that it is for the reason that the tutor belongs to a community which speaks a language which is not one of the languages ~~specified~~ prescribed by ~~in~~ the rule, rather than for the reason that she belongs to any particular community that she is required to pass the language tests in one of those languages. In this view, it does not seem that the rule discriminates on communal grounds and is inconsistent with the provisions of the Constitution. However, Education may consult Legal

ANT SECRETARY TO GOVERNMENT
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on this point.

The file may be returned to Education.

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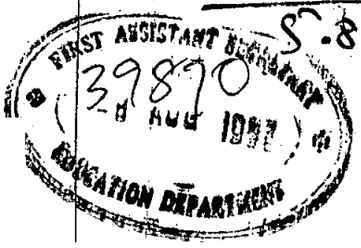
Edn. dept.(A)

Pub/s. Ser.
L.o. 3261/53
5.8.53



From the D.P.I. no. 205/C/61 dt. 3-8-53 p. 5 C.F.

Legal may see remarks on M at p. 3 ante as suggested by Public (Ser.).

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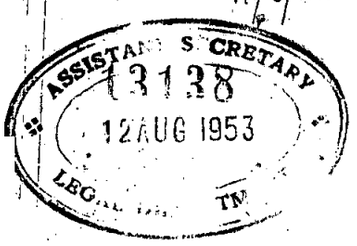
S/Legal

Legal

Edn. L.O. No. 27933 A/53-4
11/8/53



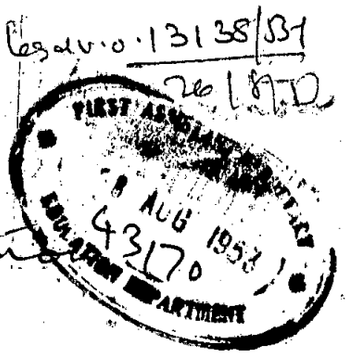
Legal(Opinions-C)Department

This Department agrees with the view expressed by Public (Services) at N on page 3 ante.

26.8.53

Legal

Legal L.O. 13138/53
26.8.53



Education

Edn (A) dept

The notes of ~~from plan~~ above may be perused. As suggested by the Public (Services) Dept at R on p 2 ante, a draft letter to the Secy, PSC is submitted for approval

31/8/53

3.9.53

6.9.53

[Issued as Letter No. 27938-A/53.5 Edn dt 8-9-53]

From the Secy. MPSC, No. 4857-F4/53-4 dt 11-12-53

The Commission has stated that in its opinion, a pass in the High School Examination (European School Exam.) with Malayalam as a language is may be considered to be equivalent to a pass in the Spl. Language Test for Officers of the Edn Dept - Lower standard in Malayalam conducted by the Commr. Public (Services) may again see with ref to their note dtd 21/12/53 ante, for remarks whether any relaxation of the rules is necy. at all, in view of the Commission's opinion.

K 21/12/53

Public (Ser) 26/12/53

H.E.L.A. No. 27938/53-E2-7 Edn

28/12/53

Public(Services)Department.

(Previous note of this department on pp.3-4 ante)

The H.E.L.A.Department's further note above may be perused.

'K' above: Inasmuch as neither rule 14 of the General Rules for the State and Subordinate Services nor rule 14(b) of the Special Rules for the Madras Educational Subordinate Service provides for recognition of equivalent qualifications, the latter rule may be relaxed. This department may agree to the relaxation. M.(F & E) should see the case and a copy of the relaxation order should go to the M.P.S.C.

The file may be returned to H.E.L.A.

ASSISTANT SECRETARY TO GOVERNMENT 29 DEC 1953 CHIEF SECRETARIAT

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ASSISTANT SECRETARY TO GOVT. 6 JAN 1954 HEALTH, EDN. & LOCAL ADMN. DEPT.

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Pub. Ser. A. Leo. note 5500/53-1 6.1.54

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5-1-54

CS/ HELA Deptt

SUMMARISING NOTE FOR CIRCULATION.

Kumari B. Hay was first appointed as Tutor in English on 27-6-47 in the Government Brennen College, Tellichery. As she belongs to the Anglo-Indian community, she has to pass the Special Language Test for Officers of the Education Department, Lower Standard, in one of the following languages, viz. Tamil, Telugu, Malayalam, Kannada, Urdu and Oriya, within a period of two years from the date of appointment. The penalty prescribed for failure to pass the Test within the time allowed is stoppage of increment until the Test is passed. Kumari Hay has not passed the Test so far. She has, however, passed the High School Examination (European School Examination), with Malayalam as the language. The standard of the language-part in the above examination is equivalent to Third Form standard in a recognised institution. The Language Test of the Lower Standard prescribed is reported to be of a standard less than the Third Form standard. The D.P.I. stated that the qualification of Kumari Hay in Malayalam might be considered as equivalent to a pass in the Special Language Test of the Lower Standard. The Madras Public Service Commission which was consulted in this matter has stated that, in its opinion, a pass in the High School Examination (European School Examination) with Malayalam as a language might be considered to be equivalent to a pass in the Special Language Test for Officers of the Education Department, Lower Standard, in Malayalam. The Public (Services) Dept. state that inasmuch as neither rule 14 of the General Rules for the State and the Subordinat Services nor Rule 14(b) of the Special Rules for the M.E.S.S. provides for recognition of equivalent qualifications in respect of Language Tests, rule 14(b) of the Special Rules

p 14

Rule 14(b) of the ... for the MESS — p 114.

27933/A/53

Rules has to be relaxed. That Dept. agree to the relaxation.

The file may be circulated to M(F & E) for orders,

whether the relaxation may be made in favour of Kumari Hay.

The rules may be relaxed.
27/1/54

29.1.54

29.1.54

21/1/54

D.S. Agnihotramurthy
ADS/M(F&E) 27/1/54

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28/1/54

SECRETARY TO GOVERNMENT
28 JAN 1954
HEALTH, EDN. & LOCAL ADMN. DEPT.

M(F&E) Krishnamurthy
27.1.54

Draft order submitted for approval

29.1.54

27.1.54

28/1/54

Issued as G.O. No. 95 Edn. dt. 1.2.54